THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9686 OF 2006

15.06.2006

Between:

Karri Neelakanteswar Reddy, S/o.Ramana Reddy,

… Petitioner

AND

The Mandal Revenue Officer, Visakhapatnam Rural,

Visakhapatnam.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9686 OF 2006

ORDER:

The petitioner is resident of Visakhapatnam. He purchased an extent of 3636 Sq.yards (Acs.0.76) from Saripalli Jonnari and others. The transaction was by way of a registered agreement of sale/General Power of Attorney dated 24.11.2003. When the said agreement was presented for registration in the office of Sub Registrar, Madhurawada, the Sub Registrar addressed a letter to the Mandal Revenue Officer, Visakhapatnam Rural (MRO), sole respondent herein, to find out the nature of the land. It is alleged that the MRO informed on 10.12.2001 to the effect that the land is zeroythi patta land and that there is no embargo for registering the document. Thereafter, the agreement was allegedly registered. Be that as it is, the MRO initiated action under A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and issued show cause notices dated 03.2.2006 and 24.4.2006 calling upon the petitioner as to why he should not be evicted from the land for contravention of the provisions under Section 3(2) of the Act. The petitioner did not submit explanation, but he rushed to the Court alleging that on 02.5.2006 the MRO came to the property and demolished the structures. The petitioner seeks invalidation of the action of the respondent in trying to evict the petitioner from the

subject land.

The cause of action as disclosed in the affidavit accompanying the writ petition as well as projected across the Bar is the alleged highhanded action of the respondent on 02.5.2006. The allegation is without any foundation. Admittedly, the respondent issued two notices in Form-I under Rule 3 of A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 (the Rules, for brevity). This itself would show that the respondent acted in a fair and transparent manner. Be that as it is, as the learned Assistant Government Pleader submits that final orders are not passed, this writ petition is disposed of, directing the respondent to pass final orders pursuant to the show cause notice in Rc.No.358/2006A, dated 24.4.2006 within a period of three weeks from the date of receipt of a copy of this order. It shall be open to the petitioner to submit explanation along with all documents, if not already submitted, within a period of three days from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is disposed of. No costs.

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(**V.V.S.RAO, J**)

June 15, 2006

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